

9200/2623



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(LHTLG No. 03,112)

PATENT 09/303,053

In re Application of:

 Davida et al.

Serial No. **09/303,053**

Filed: **April 30, 1999**

For: **System and Method For
Authenticated and Private
Preserving Biometric
Identification Systems**

)
) Examiner: **Vikkram Bali**
)
)
) Group Art Unit: **2623**
)
)
)
)
)
)

RECEIVED

JUN 2 1 2004

Technology Center 2600

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

**COPY
RECEIVED**

JUN 2 9 2004

FACSIMILE TRANSMITTAL LETTER
(12 Total Pages Including this Facsimile Transmittal Letter)

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2600**

1. We are transmitting herewith the attached papers for the above identified patent application:

- ☒ Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(a)
Petition to Revive Abandoned Application Under 37 C.F.R. 1.137(b)
For Notice of Abandonment Mailed May 19, 2004 (3 pages)

- ☒ EXHIBIT A (8 Pages)

RECEIVED

MAR 2 8 2005

2. **FEES:** No additional fees are required.

3. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Should this assumption be incorrect, please charge any additional fees or credit overpayment to Deposit Account No. 50-2281 for the **Lesavich High-Tech Law Group, PC (32097)**.

OFFICE OF PETITIONS

4. **CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8:** The undersigned hereby certifies that this transmittal letter and the papers, as described in paragraph 1 hereinabove, are being facsimile transmitted to the Patent and Trademark Office, (**Office of Petitions, Fax No. 703-872-9306**) on this 4th day of **June, 2004**

Respectfully submitted,

Lesavich High-Tech Law Group, P.C.

Date: June 14, 2004

Stephen Lesavich, PhD
Registration No. 43,749



Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(a)
Petition to Revive Abandoned Application Under 37 C.F.R. 1.137(b)
For Notice of Abandonment Mailed May 19, 2004
PATENT 09/303,053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(LHTLG No. 03,112)

15

In re Application of:

Davida et al.

Serial No. **09/303,053**

Filed: **April 30, 1999**

For: **System and Method For
Authenticated and Private
Preserving Biometric
Identification Systems**

) Examiner: **Vikkram Bali**

) Group Art Unit: **2623**

) Confirmation No. **7831**

RECEIVED

JUN 21 2004

Technology Center 2600

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RECEIVED

JUN 28 2005

OFFICE OF PETITIONS

COPY

Petition to Withdraw Holding Abandonment under 37 C.F.R. § 1.181(a)

and/or, in the alternative,

Petition to Revive Abandoned Application under 37 C.F.R. § 1.137(b)

The Applicant hereby petitions withdrawal of holding of abandonment under 37 C.F.R. § 1.181(a) of this patent application, or, in the alternative, petitions under 37 C.F.R. § 1.137(b) to revive the instant application, which became abandoned allegedly for failure to respond to a Notice to File Missing Parts of Application (CPA) mailed August 18, 2003.

The Applicant received a Notice of Abandonment mailed **May 19, 2004**. The Applicant is filing this petition within one month of receiving the Notice of Abandonment and this therefore timely filed.

The Applicant respectfully submits that a proper and timely response including a Transmittal cover sheet, a Response To Notice to File Missing Parts of Application (CPA) Mailed August 18, 2003 (1 page), Copy of Notice to File Missing Parts (2 pages) a check for \$375 for basic filing fee and a check for \$65 for the missing parts surcharge were timely filed by Express Mail on September 12, 2003. Photocopies of all of the documents submitted on September 12, 2003, are attached hereto as Exhibit A.

These include:

1. **Copy of the USPTO NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA).**
2. **Copy of USPTO Transmittal Letter mailed August 18, 2003 attached to Copy of NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA).**
3. **Copy of Applicant's Transmittal Letter filed by Express Mail on September 12, 2003.**
4. **Copy of Applicant's Response To Notice to Filing Missing Parts of Application (CPA) mailed August 18, 2003.**
5. **Copy of two canceled checks cashed by the USPTO on September 17, 2003.**
6. **Copy of return postcard with USPTO stamp indicating receipt of RESPONSE TO NOTICE TO FILING MISSING PARTS OF APPLICATION (CPA) mailed August 18, 2003 (1 page), COPY OF NOTICE TO FILE MISSING PARTS (2 pages), and a fee check in the amount of \$440.00**
7. **Copy of Express Mail Certificate indicating an acceptance date of September 12, 2003, by the U.S. Post Office in Chicago, IL.**

The copy of the Express Mail Certificate indicates an acceptance date of September 12, 2003, by the U.S. Post Office in Chicago, Illinois. It appears that the documents included in Exhibit A were given a filing date by the USPTO of September 12, 2003 as is indicated by the original USPTO date stamp on the return receipt postcard. The USPTO cashed the two checks included by the Applicant on September 17, 2003. See Exhibit A.

Applicant submits the papers in Exhibit A where timely filed. The Notice to File Missing Parts was mailed on August 18, 2003. The Notice indicated that the Response must be filed within two months or by October 18, 2003. The Applicant filed the Response within one month or by September 12, 2003. Thus, no extensions of time were required for the response and none were submitted by the Applicant.

**Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(a)
Petition to Revive Abandoned Application Under 37 C.F.R. 1.137(b)
For Notice of Abandonment Mailed May 19, 2004
PATENT 09/303,053**

In a telephone conversation with Examiner Bail on May 24, 2004, the Examiner indicated that he had never seen papers described in Exhibit A and the papers were probably lost during the recent move of the USPTO to a new building.

In view of the fact that the papers described in Exhibit A constituted a complete response to the Notice to File Missing Parts of Application mailed August 18, 2003, and the USPTO cashed the Applicant checks, and returned a stamped postcard to the Applicant stamped September 12, 2003 the Applicant respectfully submits that a proper response to the Notice was timely and properly filed. Accordingly, it is requested that this patent application be immediately revived without additional petition or additional petition fee.

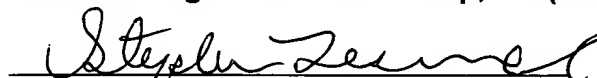
If, however, the USPTO determines that a petition to revive is necessary, then the Applicants hereby petitions under 37 C.F.R. § 1.137(b) for revival of this patent application. Pursuant to 37 C.F.R. § 1.137(b)(1), the required reply to the Notice is included in Exhibit A hereto. The Applicant submits no further fees are necessary. However, pursuant to 37 C.F.R. § 1.137(b)(2), the USPTO is authorized to charge Deposit Account No. **50-2281** for the Lesavich High-Tech Law Group, PC (32097) for all necessary fees, including any petition fees as set forth in 37 C.F.R. § 1.17(m).

Pursuant to 37 C.F.R. § 1.137(b)(3), the undersigned hereby states that the entire delay in filing the required reply until the filing of a grantable petition was unintentional since the Applicant received verification via return postcard that the USPTO had received the papers and cashed the Applicant's checks described in Exhibit A, even though the UPSTO subsequently lost the papers filed by the Applicant.

If there are any questions or comments regarding this paper or application, the Patent Office is encouraged to contact the undersigned attorney as indicated below.

Respectfully submitted.
Lesavich High-Tech Law Group, PC (32097)

Dated: June 14, 2004


Stephen Lesavich, PhD
Reg. No. 43,749



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(LHTLG No. 03,112)

PATENT 09/303,053

RECEIVED

JUN 21 2004

Technology Center 2600

In re Application of:

Davida et al.

Serial No. **09/303,053**

Filed: **April 30, 1999**

For: **System and Method For
Authenticated and Private
Preserving Biometric
Identification Systems**

) Examiner: **Vikkram Bali**

) Group Art Unit: **2623**

) Confirmation No. **7831**



Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RECEIVED

MAR 28 2005

OFFICE OF PETITIONS

TRANSMITTAL LETTER

COPY

1. We are transmitting herewith the attached papers for the above identified patent application:

☒ RESPONSE TO NOTICE TO FILING MISSING PARTS OF APPLICATION
(CPA) MAILED AUGUST 18, 2003 (1 page)

☒ COPY OF NOTICE TO FILE MISSING PARTS (2 pages)

2. **FEES:** A check for \$375 for basic filing fee as a small entity and a check for \$65 for the missing parts surcharge for a small entity.
3. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** No other fees are required. Should this assumption be incorrect Please charge any additional fees or credit overpayment to Deposit Account No. 50-2281 for the Lesavich High-Tech Law Group, PC.
4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as Express Mail Post Office to Addressee, Express Mail No. EV338119507US on September 12, 2003, in an envelope addressed to: Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

Respectfully submitted,

Lesavich High-Tech Law Group, P.C.



32097

PATENT TRADEMARK OFFICE

Date: September 12, 2003

Stephen Lesavich, PhD
Registration No. 43,749



Customer Copy
Label 11-F June 2002

Post Office To Addressee

SV 338119507 US

DELIVERY (POSTAL USE ONLY)

[illegible]

TO: (PLEASE PRINT) _____
PHONE (____) _____

MAIL STOP: MISSING PARTS
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

POSTAL USE ONLY Day of Delivery		<input type="checkbox"/> Next		<input type="checkbox"/> Second		<input type="checkbox"/>		Flat Rate Envelope
Day	Year	<input type="checkbox"/> 12 Noon		<input type="checkbox"/> 3 PM		\$		Postage
<input type="checkbox"/> Military		<input type="checkbox"/>		<input type="checkbox"/>		Return Receipt Fee		
Delivery / Mo.		Delivery / Mo.		Delivery / Mo.		Delivery / Mo.		

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

EV 338119507 US



EV 338167507 US



**EXPRESS
OFFICE OF PETITIONS
MAIL**

MAR 28 2003

Mailing Label
Label 11-F June 2002

RECEIVED



***** WELCOME TO *****
LOOP STATION PO
CHICAGO, IL 60604-9998
09/12/03 03:38PM

Store	USPS	Trans	124
Wkstn	sys008	Cashier	KTCJFS
Cashier's Name		MICHELE	
Stock Unit Id		WINHOWARD	
PO Phone Number		312-427-0677	
USPS #		1615420041	

1.	Exp. (F.R.)	PO-ADD	23.13	13.65
	Destination:			
	Weight:		2.60oz	
	Postage Type:		PVI	
	Total Cost:		13.65	
	Base Rate:		13.65	
	Label#:			
			EV38119507US	

Subtotal	13.65
Total	13.65

CreditCard 13.65

Number of Items Sold: 1

THANK YOU FOR YOUR PATRONAGE
HAVE A NICE DAY. DO COME AGAIN.

RECEIVED
JUN 21 2004
Technology Center 2600

EV338179507US



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303.053	04/30/1999	GEORGE I. DAVIDA	G0635/7004	7831

32097 7590 08/18/2003

LESAVICH HIGH-TECH LAW GROUP, P.C.
SUITE 325
39 S. LASALLE STREET
CHICAGO, IL 60603

EXAMINER

BALI, VIKKRAM

ART UNIT PAPER NUMBER

2623

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

AUG 18 2003

RECEIVED

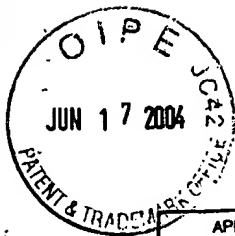
JUN 21 2004

Technology Center 2600

RECEIVED

MAR 28 2005

OFFICE OF PETITIONS



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

APPLICATION NUMBER	FILING /RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	----------------------	-----------------------	---------------------------

RECEIVED

JUN 21 2004

Technology Center 2600

RECEIVED

MAR 28 2005

DATE MAILED:

OFFICE OF PETITIONS

NOTICE TO FILING MISSING PARTS OF APPLICATION (CPA)
Filing Date Granted

The Continued Prosecution Application (CPA) request filed on April 30 1999 is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below.

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.

☐ 1. The statutory basic filing fee is:

☒ missing.

☐ insufficient.

(a) Applicant must submit \$ 740.00 to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$ _____ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$ _____ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

☐ 2. Additional claim fees of

\$ _____ (non-small entity) or \$ _____ (small entity) for _____ independent claims over 3.

\$ _____ (non-small entity) or \$ _____ (small entity) for _____ claims over 20.

\$ _____ (non-small entity) or \$ _____ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21 (m)).

☐ 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.

☐ 5. Other: _____

A copy of this Notice MUST be returned with the reply.

Direct the reply and any questions about this Notice to:

ERIC DAVIS

Examining Group _____

(703) 308- 6054



PATENT 09/303,053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(LHTLG No. 03,112)

In re Application of:

Davida et al.

Serial No. **09/303,053**

Filed: **April 30, 1999**

For: **System and Method For
Authenticated and Private
Preserving Biometric
Identification Systems**

) Examiner: **Vikkram Bali**

) Group Art Unit: **2623**

) Confirmation No. **7831**

Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RECEIVED

JUN 2 1 2004

Technology Center 2600

RECEIVED

MAR 2 8 2005

OFFICE OF PETITIONS

RESPONSE TO NOTICE TO FILING MISSING PARTS OF APPLICATION (CPA)
MAILED AUGUST 18, 2003

In response to the Notice to File Missing Parts of Application (CPA) mailed August 18, 2003, enclosed please find a check for \$375.00 to complete the basic filing fee as a Small Entity. Also, enclosed please find a check in the amount of \$65.00 for the missing parts surcharge for a Small Entity.

No other fees are required. If this assumption is incorrect, please charge any additional fees or credit any overpayments to Deposit Account No. **50-2281** for the **Lesavich High-Tech Law Group, PC.**

Respectfully submitted,

Lesavich High-Tech Law Group, P.C.

Date: September 12, 2003

Stephen Lesavich, PhD
Registration No. 43,749

32097

LESAVICH HIGH-TECH LAW GROUP, P.C.
39 S. LASALLE STREET, SUITE 1120
CHICAGO, IL 60603

1611

2-2566/710

DATE 09/12/2003

PAY TO THE
ORDER OF Commissioner for Patents

\$ 375.00

**** THREE HUNDRED SEVENTY FIVE DOLLARS

DOLLARS



HARRIS
BANK
Harris Trust and Savings Bank
Main
111 W. Monroe
Chicago, Illinois 60603

FOR 09/303,053 application fee

Stephen Leavelle

⑈001611⑈ ⑆071025661⑆ 2910036454⑈

⑈0000037500⑈

32097

LESAVICH HIGH-TECH LAW GROUP, P.C.
39 S. LASALLE STREET, SUITE 1120
CHICAGO, IL 60603

1612

2-2566/710

DATE 09/12/2003

PAY TO THE
ORDER OF Commissioner for Patents

\$ 65.00

**** SIXTY FIVE DOLLARS

DOLLARS



HARRIS
BANK
Harris Trust and Savings Bank
Main
111 W. Monroe
Chicago, Illinois 60603

FOR 09/303,053 missing parts surcharge

Stephen Leavelle

⑈0016112⑈ ⑆071025661⑆ 2910036454⑈

⑈00000065⑈

RECEIVED
JUN 21 2004
Technology Center 2600

RECEIVED
MAR 28 2005
OFFICE OF PETITIONS

* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

Patent design is a trademark of the Federal Reserve Bank of New York. The design is a trademark of the Federal Reserve Bank of New York. The design is a trademark of the Federal Reserve Bank of New York.

Security Screen

Chemically Sensitive Paper

Microfilm

RS-1

* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

Patent design is a trademark of the Federal Reserve Bank of New York. The design is a trademark of the Federal Reserve Bank of New York. The design is a trademark of the Federal Reserve Bank of New York.

Security Screen

Chemically Sensitive Paper

Microfilm

RS-1

RECEIVED
MAR 2 8 2005
OFFICE OF PETITIONS

RECEIVED
MAR 2 7 2005
OFFICE OF PETITIONS

RECEIVED
JUN 2 1 2004
Technology Center 2600

0027 40526

0027 40527

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

PATENT AND TRADEMARK OFFICE
13-10-0001
09-17-2003
FOR CREDIT TO THE
U.S. TREASURY

PATENT AND TRADEMARK OFFICE
13-10-0001
09-17-2003
FOR CREDIT TO THE
U.S. TREASURY

USE HERE

USE HERE

RECEIVED
MAR 2 8 2005
OFFICE OF PETITIONS